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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 February 1990, at 3 p.m.

Chairman: Mrs. REGAZZOLI (Argentina)
later: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 3.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1990/3, 4 and 59; A/44/352 and 599)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1990/10, 11 and 58; E/CN.4/1990/NGO/4 and 8; A/44/526)

1. Mr. NGO HAC TEAM (Observer for Democratic Kampuchea) said that the Coalition Government of Democratic Kampuchea (CGDK) still extended its unfailing support to the just cause of the peoples of Afghanistan, Palestine and southern Africa in their struggle for recognition of their inalienable right to self-determination. The Government hoped that the people of Namibia would soon be able fully to enjoy its right to self-determination.

2. On the subject of Kampuchea, the Commission should remember that, at the most recent General Assembly, H.R.H. Samdech (Prince) Norodom Sihanouk, leader of the Cambodian National Resistance (CNR) and President of Democratic Kampuchea, had stressed that, after 11 years of struggle by the Cambodian people and its national resistance forces, a crucial stage had been reached with the failure of Viet Nam to secure the military conquest of Cambodia, and that there was an urgent need for a comprehensive political solution to the problem. The CNR and the CGDK had been deeply moved by the suffering and humiliation of the Cambodian people, which had been the victim of Vietnamese invasion and occupation, and they wished to restore genuine peace in conditions of independence, territorial integrity and national honour as soon as possible. Prince Norodom Sihanouk had also reminded the Assembly that those taking part in the international conference on Cambodia in Paris in August 1989 had unanimously decided that the solution to the problem must be a comprehensive one, because there was no other way for the Cambodian people to exercise its right to self-determination, and any attempt to guarantee peace, security and stability throughout the region would be illusory.

3. The CGDK favoured the convening of a further international conference to put an end to the war of aggression and invasion, but that would require the participation of all the parties concerned, namely, the four Cambodian parties, Viet Nam, the ASEAN countries and the five members of the Security Council. The parties to the conference should agree on a definite procedure, and in particular agree that all their decisions should be unanimous, and keep to the objective of a comprehensive political settlement.

4. The CNR and the CGDK had adopted the five-point peace plan drawn up by H.R.H. Samdech Norodom Sihanouk, who was the symbol of national unity and independence for the Cambodian people. The two main elements of the plan were the withdrawal of all Vietnamese forces from Cambodia, under the supervision of the United Nations and representatives of the four Cambodian parties, and the national reconciliation of all Cambodians with the installation of a provisional government made up of the four Cambodian parties under the leadership of Prince Norodom Sihanouk.

5. If the Cambodian people was to exercise its right to self-determination in impartial elections, in an atmosphere of peace, security and stability, national reconciliation must embrace all parties, without discrimination. The

concept of quadripartism was essential in order to guarantee the peace and security which would be necessary for free general elections under United Nations supervision; it was indispensable if the Vietnamese-backed Administration in Phnom Penh was to be prevented from falsifying the census operations and distributing voting registration cards to Vietnamese settlers to whom it had already granted Cambodian nationality.

6. The CNR and the CGDK, endorsing the essential role of the United Nations, had proposed specific measures to prevent any abuse of that nature: United Nations supervision of the withdrawal of all Vietnamese forces, the cease-fire which would enter into force when a quadripartite provisional government had been formed and the disarmament of the armed forces of the four Cambodian parties; a guarantee by the United Nations of the necessary conditions for the establishment of the new quadripartite provisional government; joint execution by the United Nations and the provisional government of census-taking operations and United Nations supervision of free, regular and democratic elections; the deployment of a United Nations peace-keeping force for five to ten years and a United Nations guarantee of the independence, neutrality and non-aligned status of Cambodia, which would have a free-market economy, a liberal democracy and a multi-party system of government. The implementation of those proposals should guarantee the restoration of peace and security in Cambodia and throughout South-East Asia.

7. The international supervisory mechanism set up under the auspices of the United Nations and assisted by a large United Nations peace-keeping force, would have to have access to the whole of Cambodian territory, with its own means of transport and communication, and be able to investigate any complaint, whatever its source. It would be assisted by representatives of the four Cambodian parties, who would help it to distinguish Cambodians from Vietnamese and detect disguised or hidden Vietnamese elements and Vietnamese weapons and war equipment hidden in Cambodia.

8. At its forty-fourth session, the United Nations General Assembly had called for the withdrawal of all foreign forces from Cambodia under United Nations supervision, the promotion of national reconciliation under the leadership of Prince Norodom Sihanouk, and the non-return to the universally-condemned policies and practices of the recent past.

9. For its part, Viet Nam merely proposed a unilateral withdrawal, without United Nations supervision or monitoring, and the continuation of the puppet régime. It refused to accept United Nations resolutions and the establishment of a United Nations peace-keeping force. It still wanted to be able to hide its forces in Cambodia and maintain its puppet Government, in order to continue its occupation of the country. It was clear, after 124 States Members of the United Nations had supported the latest General Assembly resolution, that the international community did not believe that Viet Nam would unilaterally withdraw its forces. More than 100,000 Vietnamese troops were still occupying Cambodia and fighting the CNR. Numerous eyewitness accounts and even video recordings testified to the presence of Vietnamese occupation forces in Cambodia after September 1989. Those forces consisted of regular uniformed troops of the Vietnamese People's Army - several divisions of them, Vietnamese officers and other soldiers who spoke Khmer disguised as Cambodian soldiers belonging to the army of the Phnom Penh régime, and other Vietnamese disguised as civilians who had married Cambodian women and lived among the local people, but were engaged in the administration of the Phnom Penh régime.

In addition, there were armed troops hidden among the Vietnamese settlers and more than a million settlers who had been systematically moved into Cambodia by Viet Nam in violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. The settlers had been sent to Cambodia as part of a Vietnamization scheme; they belonged to secret political and military organizations and many of them had already been granted Cambodian nationality. Under the name of "soldier peasants", they had taken part in the defeat of the Islamic Kingdom of Champa, currently known as Central Viet Nam, and the defeat of Lower Cambodia, currently known as South Viet Nam.

10. In response to the international community's demand that it withdraw its forces, Viet Nam claimed that it could accept a United Nations role under certain conditions; in fact, it was merely seeking to legalize the puppet régime in order to conceal its forces more effectively. It continued to cite the danger of a return to power by the Khmer Rouge and to reject any effective and impartial measure which would allow supervision of its alleged "total withdrawal".

11. Viet Nam had imposed the Phnom Penh régime on the Cambodian people by force. Prince Norodom Sihanouk, the CNR and the CGDK had, nevertheless, agreed to the simultaneous dissolution of the legally-recognized State of Democratic Kampuchea and the illegal Phnom Penh régime in order to reach a speedy solution and put an end to the suffering of the Cambodian people. Prince Norodom Sihanouk had reaffirmed that the Cambodian people would not desist from its patriotic struggle until Viet Nam had accepted a comprehensive, just and lasting political solution, since the very survival of the Cambodian nation was at stake. In his speech before the General Assembly, he had added that the USSR could do a great deal to help the Kampuchean people to achieve that end, but the USSR continued to provide political and military assistance to Viet Nam and the Phnom Penh régime, as shown by recent Soviet statements and the increase in its arms deliveries. Prince Norodom Sihanouk had said that such measures only encouraged Viet Nam and ran counter to the appeal by all countries for a comprehensive political solution to the so-called "Kampuchean problem".

12. Mr. VARGAS (Observer for Nicaragua) reminded the Commission that the self-determination of peoples was a fundamental principle of modern international law and, as such, must be fully respected by the States that made up the international community. It was also a precondition for the exercise and observance of human rights, and was incompatible with a racist, colonial or occupation régime. Internally, self-determination was the right of every nation to choose the régime and government which suited its aspirations, without any external interference. Externally, it was the right of a country to exist as a State, the equal sovereignty of all States and non-interference in their internal affairs.

13. The end of 1989 and the beginning of 1990 had witnessed positive trends in the exercise of the right to self-determination in various countries, particularly those of Eastern Europe; however, colonialism, neo-colonialism and apartheid still persisted in other parts of the world. Thus, the black people of southern Africa was still struggling against the racist régime in South Africa and the Palestinian people was struggling for its right to self-determination, as were the peoples of East Timor and Puerto Rico.

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14. In order to satisfy their own economic or political interests, however, some governments claimed the right to declare the government of a particular country legal or illegal, and continued to invent pretexts for violating the principle of self-determination and non-interference in the internal affairs of other States. In Latin America, the United States Government had again made use of its modern weaponry to invade the tiny Republic of Panama, on 19 December 1989, with an army of 27,000 troops, heavy artillery and air raids which had destroyed a large part of Panama City, causing some 2,000 civilian deaths. The troops had gone through the capital with a fine-tooth comb, shooting at anything that moved, even if it was someone carrying a white flag, a press card or a television camera. They had violated the diplomatic immunity of several embassies, and had even broken into the Nicaraguan Ambassador's residence, in breach of the most fundamental provisions of international law. Such had been the actions of a country which regarded itself as the standard-bearer of the campaign for human rights.

15. His delegation requested the Commission to express its views on that situation and to call upon the United States Government to withdraw its occupation troops from the Republic of Panama, thereby reaffirming the sovereign and inalienable right of Panama to determine its social, economic and political system in freedom.

16. Referring to the negotiations which had taken place among five Central American countries under the Esquipulas plan, designed to restore peace in the region, he reminded the Commission that Nicaragua had been the victim of a war of aggression by forces financed, recruited and armed abroad with the aim of imposing a Government which would act in the interests of a foreign Power rather than those of the majority of the Nicaraguan people. That aggression had been condemned by the International Court of Justice on 27 June 1986; the Nicaraguans - and indeed the rest of the international community - were still waiting for the guilty party to abide fully by the Court's decision.

17. On 7 August 1989, two years after the Esquipulas Agreement, the Presidents of five Central American countries, meeting in Tela (Honduras), had adopted a document providing for the demobilization and repatriation of the members of the Nicaraguan resistance, and assistance in the voluntary demobilization of all those who had taken part in armed attacks in countries of the region; an International Support and Verification Commission (CIAV) had been set up to carry out the programme. The original deadline for demobilization of the counter-revolutionary forces, who were in disarray on the military front but were continuing to carry out terrorist attacks, had been set for 5 December 1989. However, the United States Government had granted a new credit of $30 million for so-called "humanitarian aid" which, in fact, guaranteed logistical support for the terrorist actions of the mercenaries on Nicaraguan territory. For the Presidents of the Central American countries, genuine humanitarian aid would be aid which helped to bring about demobilization and peace.

18. His Government had continued its talks with the leaders of the rebel forces in New York and Washington between 9 and 21 November 1989. However, the rebel leaders, encouraged by the United States, had refused to demobilize, preferring to keep their terrorist forces in action until after the elections of 25 February 1990, as laid down in the bipartite agreement concluded by the United States in March 1989.

19. From January to September 1989, 1,523 acts of terrorism had been carried out by the Contra forces, as opposed to 1,004 in 1988. Those acts had taken various forms: economic sabotage, abductions, murders, ambushes of military or civilian vehicles, attacks on co-operatives and clashes with the army.

20. The Presidents of the Central American countries, meeting in San Isidro de Coronado (Costa Rica) from 10 to 12 December 1989, had lent their support for the Nicaraguan Government by calling for the credits granted to the "Nicaraguan resistance" to be transferred to the CIAV in order to help it in its work. They had further called upon the resistance forces to cease all interference with the electoral process and the civilian population. That had not prevented the United States from granting $30 million in "humanitarian aid" to the resistance forces and only $300,000 to the CIAV.

21. The report of the Special Rapporteur on the use of mercenaries (E/CN.4/1990/11) objectively described the actions of the Contras, the participation of mercenaries and the role of the United States in the conflict, particularly the part played by Lieutenant-Colonel North (para. 137); although convicted by a United States court, he had been considered a hero by many members of the former United States Administration. The present Administration had used the pretext of a Latin American Government's alleged links with drug-trafficking to launch a large-scale invasion against a small State and had thereby killed countless members of a defenceless population.

22. At present, Nicaragua was preparing to elect a President of the Republic, deputies to the National Assembly and representatives at various levels of the Administration. The political parties campaigning for those posts enjoyed all the facilities provided for under the Elections Act. It was the first time in the history of an independent country that such a process was to be monitored by the United Nations, the Organization of American States, various international political agencies, and national and non-governmental organizations from various countries. As a pledge of its goodwill and spirit of reconciliation, his Government had announced the release of 1,090 Contra prisoners and the remaining 39 national guards who had still been in prison.

23. Mr. AL-BOUAININ (Observer for Qatar) said that the recent changes in several parts of the world had not had a favourable effect on the situation in the occupied Arab territories, including Palestine, where Israel continued its policy of oppression and suppression of the intifadah with impunity, using increasingly powerful weapons against civilians who had nothing but stones to defend their right to life and their right to their land. The Special Committee's report (A/44/599) painted a bleak picture of the atrocities committed throughout the year by the Israeli occupation forces, who were acting in flagrant violation of the fourth Geneva Convention of 1949, which was applicable to Palestine and the other occupied territories.

24. The situation was little better in the Syrian Arab Golan, which the Israeli Government persisted in considering as an integral part of Israel and whose demographic and cultural characteristics it was attempting to modify. In Lebanon, too, the Israeli forces were engaging in similiar practices on the pretext of maintaining the security of the areas bordering on Israel, in order to force the inhabitants of the area to renounce their identity.

25. The Palestine Liberation Organization (PLO) had taken decisions whose wisdom had been acknowledged throughout the world, and many States had already recognized the State of Palestine, but Israel continued to reject any initiative which might bring about a peaceful negotiated settlement to the problem.

26. In his delegation's opinion, such a settlement depended on the strict implementation of Security Council resolutions 242 (1967) and 338 (1973), which recognized the inalienable rights of the Palestinians. However, the most appropriate framework for working out a solution to the Middle East conflict would be an international peace conference on the Middle East, organized under the auspices of the United Nations, in which all the parties to the conflict, including the PLO and the five permanent members of the Security Council, would participate on an equal footing. It was thus essential that the international community should intensify its efforts to convene that conference.

27. Mr. MOKBIL (Observer for Democratic Yemen) said that, once again, the Special Committee's two reports (A/44/352 and A/44/599) gave examples of human rights violations, as varied as they were numerous, committed by Israel in all the occupied Arab territories, including the Syrian Arab Golan and southern Lebanon; those violations had been going on for years, but had been particularly numerous since the beginning of the intifadah. The uprising showed that the Palestinians were determined to resist occupation and to fight for freedom and the creation of their own State. Despite the many appeals by the international community, Israel continued to flout all the resolutions adopted by the United Nations and still failed to implement the fourth Geneva Convention (1949) Relative to the Protection of Civilian Persons in Time of War. In the face of escalating violence, the PLO had, on the contrary, chosen the path of reason, and its decisions had been favourably received all over the world.

28. The Commission should, therefore, call strongly on Israel to cease its policy of oppression and suppression and to accept the proposals for a lasting peace in the region. His delegation was convinced that the speedy convening of an international peace conference on the Middle East, under the auspices of the United Nations and with the participation of all the parties to the conflict, including the PLO and the five permanent Members of the Security Council, would be the best way to reach a solution which would respect the Palestinians' right to self-determination and their right to establish an independent State on their territory.

29. Mr. AL-JADIR (Arab Organization for Human Rights) said that his organization's annual report for 1989 described the serious human rights violations committed against Palestinians by the Israeli occupation authorities, affecting particularly their right to life, freedom and personal security. The clashes which had taken place during the intifadah in 1989 had left 389 people dead and 34,000 injured; 40,000 people had been arrested, and the Supreme Court had not lifted any of the administrative detention orders imposed on 3,500 people during the year. Since the beginning of the intifadah, the lower age-limit for criminal responsibility had been abolished, so that children as young as five could be brought before the courts for throwing stones. In most cases, proceedings were not conducted in accordance with the rules guaranteeing a fair trial, and Palestinian lawyers had accordingly often been obliged to go on strike and boycott trials. There was

now an almost permanent curfew in most of the areas where Palestinian resistance was strongest, particularly in the 21 refugee camps in the West Bank and the Gaza Strip. Physical and psychological torture to obtain information from the leaders of the intifadah was widespread, and freedom of association had been severely restricted by the occupation authorities.

30. Israel was committing an act of aggression against present and future generations of Palestinians by depriving them of the right to education; most primary and secondary schools and universities in the area had been closed, a measure which also violated the international legal standards laid down in the Hague Convention of 1907 and the fourth Geneva Convention of 1949. In addition, the right to health had been considerably curtailed in 1989 because of the increase in administrative restrictions and also the larger number of Palestinians injured; medical centres, whose facilities were already limited, could not cope with the situation. The occupation forces continued to break into hospitals to arrest injured patients, thus depriving them of any treatment at all. They had gone so far as to confiscate medicines from pharmacies which did not pay taxes. The demolition of housing and the felling of trees had also continued.

31. But the most hideous violation inflicted on the Palestinians was the denial of their right to self-determination and their right to return to their own country - an opportunity which Israel nevertheless gave to Jews throughout the world, particularly Soviet Jews. It was time the Commission paid greater attention to the issue, since the right to live in one's own country was one of the most sacred of all rights.

32. Mr. KHOURY (Union of Arab Jurists) said that, since the beginning of the Palestinian uprising, there had been growing violence in the occupied Arab territories, where systematic human rights violations were committed daily by the Israeli occupation forces. Bloody confrontations, arrests, expulsions and collective punishment had continued without respite. All those practices, which were described in detail in the Special Committee's report (A/44/352), were contrary to international legal standards, particularly the international human rights instruments and the fourth Geneva Convention of 1949, as well as the principles of the Charter of the United Nations and all the resolutions adopted by the General Assembly, the Commission on Human Rights and the Security Council.

33. Israel had also continued and intensified its policy of establishing Jewish settlements in the occupied territories. According to the New York Times, 1,000 Jews were arriving in Israel every week and going to live in settlements in the West Bank and Gaza Strip, from which the Palestinians were being expelled with no right of return. That policy formed part of the plan for establishing Greater Israel, which aimed to bring 1 million Jews to Israel by the year 2000. Clearly, Israel's sole aim was to expand its territory, rather than to bring peace to the region.

34. The Commission on Human Rights should take the necessary measures to ensure that Israel implemented its resolution 1989/19, complied with the Geneva Convention of 1949 and agreed at last to acknowledge the human rights of the inhabitants of the occupied Arab territories.

35. Mrs. Quisumbing (Philippines) took the Chair.

36. The Reverend David KALKE (International Association Against Torture) said that his organization strongly believed that the right of peoples to self-determination and the right to national sovereignty were the two basic principles upon which societies were founded. When those two rights were denied, all human rights were in danger, and there were many examples to prove it.

37. For that reason, the International Association Against Torture was deeply concerned about the recent events in Panama, a sovereign State which had been invaded and remained occupied by an outside force. A national process of self-determination had thus been violently interrupted, and the very sovereignty of the Panamanian people over its national resources had been threatened. Great suffering had been inflicted upon the Panamanians as a result of that excessively violent military intervention. According to witnesses, in the first five days between 20,000 and 30,000 people had been driven from their homes and between 3,000 and 4,000 civilians had been killed by bombs or stray bullets. That situation had created an atmosphere of fear and mistrust. Thousands of people - including representatives of the Churches, trade unions and other organizations - who had criticized the invasion had been arrested or interrogated by the military occupation forces and their homes had been searched.

38. The invasion had been accompanied by a massive disinformation campaign, which made it difficult to evaluate the situation realistically. Reports on the extent of the military operation had often been inaccurate and had mainly been used to justify an illegal intervention against a sovereign State. The Latin American Council of Churches, in a statement issued on 20 December 1989, had denounced not only the military intervention but also the manipulation of the truth, and had called upon all Governments in Latin America and throughout the world to show solidarity with the people of Panama.

39. The Panamanians had the right to self-determination and to exercise sovereignty over all their resources. His organization accordingly called the international community, and more specifically the United Nations, to help the Panamanian people to regain their sovereignty - which would guarantee their right to self-determination and, to that end, to demand the immediate withdrawal of foreign troops from Panama, the release of all prisoners, the establishment of a broad-based representative Government and compensation for all persons who had lost their homes, their jobs or their loved ones.

40. Mr. HARTLEY (World University Service) said that, in resolutions 1989/1 and 1989/2, the Commission on Human Rights had, inter alia, condemned Israel for its repression of educational institutions and for its closure of universities, schools and institutes in occupied Palestine. Since then, the situation had not improved, as indicated in a recent report by his organization entitled "Status of academic freedom and human rights of Palestinian higher education in the occupied territories", extracts from which were to be circulated to members of the Commission.

41. In particular, the Israeli authorities continued to close educational establishments as a collective punishment against Palestinian society, which traditionally placed a high value on education. Such practices threatened the

education of an entire generation of school-age children. For almost two years, the authorities had pursued a policy of closing universities, and even schools, for long periods, with complete disregard for international law, particularly the International Covenant on Economic, Social and Cultural Rights and the UNESCO Convention against Discrimination in Education (1960). The persistent closures were also in breach of article 43 of the Hague Regulations and Jordanian Act No. 16. Since July 1989, several university administrators had received closure orders from the military governors of their districts. The closure of libraries and laboratories infringed both the right to education and the right to research, which was enshrined in the Lima Declaration on academic freedom and the autonomy of institutions of higher education, adopted by his organization.

42. The military authorities were also preventing students and lecturers from meeting away from university premises. Educational exchanges and international contacts were still subject to the whim of those authorities. Teaching staff were subjected to the whole gamut of human rights violations inflicted on the Palestinian community; in particular, arbitrary arrests of staff and students were commonplace.

43. His organization requested the Commission to reaffirm its condemnation of Israel's repression of educational establishments and to call for the re-opening of universities and the application of the relevant international instruments, including the Hague Regulations, the fourth Geneva Convention, the UNESCO Convention against Discrimination in Education, and the International Covenant on Economic, Social and Cultural Rights.

44. The United States intervention in Panama violated the principle of the independence and territorial integrity of States and seriously threatened human rights in that country. The United States occupation forces claimed that there had been only a few hundred deaths, but religious and trade union organizations had stated that there had actually been more than 3,000 deaths. There had been reports from civilians of mass graves, but the United States forces were preventing attempts to verify them. Moreover, the United States Southern Command and the new Panamanian Government had refused to provide information about detainees, the courts were no longer functioning and the right of habeas corpus had been suspended.

45. His organization was particularly concerned about the occupation of the campus of the University of Panama, which had been unable to operate because of the constant incursions of United States military vehicles. The university had told his organization that 20 staff and students had been killed and 200 students injured. The university was closed at present for its annual two-month break, but since the Government was threatening not to pay the employees, there was no guarantee that it would reopen in March. Meanwhile, the Ministry of Education had ordered the indefinite closure of all schools on grounds of national security.

46. His organization supported the resolutions passed by the Organization of American States and other international bodies which had deplored the United States action. It hoped that the Commission would call for an immediate end to the United States intervention in Panama. At the Commission's forty-seventh session, the situation in Panama should be considered under agenda item 9.

47. Mr. GALLARDO (World Federation of Democratic Youth) said that the conclusions of the report on the use of mercenaries (A/44/526) gave some grounds for optimism, as did the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. However, the Convention had some major loopholes - as indicated in the Special Rapporteur's conclusions - concerning the actual definition of mercenary activities and the mechanism for monitoring the Convention's implementation, for which no provision had been made in the text.

48. The Special Rapporteur's report (A/44/526) pointed out that the Government of the United States of America did not admit to having any link with mercenary activities and had declared that, if such activities were taking place, they were the sole responsibility of the organizations employing the mercenaries. The United States Government was thus shutting its eyes to activities which might be organized on its territory. It was common knowledge that such operations had been launched from the United States against Nicaragua, threatening the sovereignty of that country and worsening the situation in Central America.

49. In Panama, United States forces had launched an operation which was diametrically opposed to the peace efforts of the Central American Governments. One wondered whether Central America was really doomed to suffer barbarous invasions from the north.

50. The world's press had not adequately publicized the tragic effects of the war in Western Sahara on the civilian population. Eight hundred and fifty civilians had been imprisoned in 1989. The 1989 Amnesty International report listed 80 cases of disappearance of Sahrawi detainees. In addition, more than 6,000 young Sahrawis had been deported by the Moroccan authorities to various towns within Morocco.

51. The meeting in Marrakech on 4 and 5 January 1989 between King Hassan II and a delegation from the Polisario Front had given rise to a certain optimism. Unfortunately, the dialogue had subsequently been broken off by the Moroccan side. For its part, the Polisario Front had helped to keep the peace process moving, not only by declaring unilateral truces, but also by releasing 200 Moroccan prisoners in May 1989, although the Moroccan authorities had refused to accept them.

52. In its resolution 44/88, the General Assembly had called upon the parties to the conflict to begin direct negotiations for a just and definitive solution. There were some positive signs at present: meetings had taken place between the Secretary-General of the United Nations and delegations from the two parties to introduce the new Special Representative, Mr. Johannes Manz, and reports in the newspaper Asharq Al-Awsat indicated that a meeting was to take place between Morocco and the Polisario Front. Those developments kept alive the hope that the people of Western Sahara would soon be able to exercise its legitimate rights to independence and peace.

53. Mr. SIMMONS (International Indian Treaty Council), speaking on agenda item 9, said that for almost 500 years the indigenous peoples of the Americas had been deprived of their right to self-determination by the authorities, who continued to plunder their land. Since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, many peoples had been able to exercise that right, but the American Indians were still being

deprived of it. They had already paid a high price. They had resisted by force the invasion of the Americas, which had not been the friendly affair some countries had claimed it to be, but had in fact led to acts of genocide. In the United States of America, in particular, the Indians had had to make great sacrifices in order to preserve the little that was still theirs today.

54. The land settlement covering the land of the Puyallp Indians, recently concluded between the United States Government, the State of Washington and private individuals on the basis of the Treaty of Medicine Creek of 1858, was considered by many indigenous peoples to be a flagrant violation of the right to self-determination of the Indians of the Pacific North-West. In that case and others, the United States had tried to persuade indigenous peoples to abandon their traditional land; unfortunately, tribal councils, working together with the Bureau of Indian Affairs, frequently agreed to decisions affecting the cultural heritage of the indigenous peoples, without the consent of the latter.

55. The right to live in security and in a safe environment was now denied to the Guaymi, Kuna, Choco, Teribe and Bribri peoples in Panama. In fact, after the military invasion of that small country by the United States on 20 December 1989, all Panamanians had been deprived of their rights to sovereignty and self-determination. The previous year, his organization had taken part in the first Inter-American Congress of Indians on the preservation of natural resources and the environment, which had been held in Panama. On that occasion, Indians from 16 countries had met for the first time for the express purpose of drawing up environmental protection strategies. For decades before that, Panama had acted favourably towards the indigenous peoples and recognized their basic rights. From the early years of the revolutionary Government of General Omar Torrijos, there had been a policy of assistance to Indians in the areas of health, education and land. Unfortunately, the Indians of Panama - who had felt themselves part of a wider Indian nation, but had still considered themselves to be true Panamanians - were in a very different position today. They were afraid that the land they had acquired in recent years and their educational and religious rights would be taken away and their right to self-determination jeopardized.

56. Whereas in Europe peoples were experiencing democracy for the first time, in the Americas democracy was being flouted and the barriers between different population groups were growing higher and higher. The United States, which claimed to be the "defender of democracy" in the Western hemisphere, had arrogated to itself the right to intervene by military force wherever it wished. There had been thousands of deaths in Panama in December 1989; 500-pound bombs had been dropped on some parts of the capital. The whole world should be concerned about such an interventionist policy, because no country was safe from such criminal interference.

57. The Lakota Indians of Yellow Thunder Camp in South Dakota, whose situation his delegation had described to the Commission at the previous session, were now threatened with eviction by the United States Parks Service after the Supreme Court had rejected their appeal in June 1989, even they were protected under the Fort Laramie Treaty of 1868. He appealed for the Lakota people's right to self-determination to be recognized and respected.

58. Mr. ROBEL (World Confederation of Labour) said that, for many years, the Commission had paid particular attention to the situation in the occupied Arab territories, where the Israeli authorities continued their occupation by means of barbarous oppression, in total breach of the provisions of the Charter of the United Nations. The reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the reports of many international organizations and other human rights bodies, and the testimony and statements of various eminent persons showed the extent to which Israel was flouting human rights in those territories.

59. What people conscious of its inalienable rights, expelled from its land, condemned to live in camps and suffering intolerable injustice and brutality would not rise up against a power which was occupying territory to which it had no right? The international community condemned Israel, but despite the resolutions adopted by various United Nations bodies and the efforts to achieve a comprehensive solution, Israel still refused to recognize the rights of the Palestinian people. On various pretexts, it continued to expropriate property, destroy homes and crops, deprive the people of water - in a word, to hamper the economic development of the Palestinian people. In addition to those crimes, the Jewish settlers were committing all kinds of exactions in Arab villages, while no action was taken by the authorities. He mentioned economic sanctions and other collective punishments, particularly the uprooting of hundreds of olive trees, restrictions on movement, heavy taxes, confiscation of identity cards, etc. In the sphere of justice, illegal procedures were used and evidence was obtained by violence; most courts dispensed only summary justice.

60. His organization wished to draw particular attention to the situation of Arab workers in the occupied territories. Arab workers in various sectors of the Israeli economy were dismissed without reason and replaced by foreigners, under reprisal measures ordered by the Ministry of Defence. In hospitals, doctors were dismissed and the Arab staff reduced on the grounds that they sympathized with the intifadah. University graduates were particularly affected by unemployment, and were obliged to emigrate. Many Arab workers were arrested and deported. Because of the policy of racial and religious discrimination, an Arab worker earned only 60 per cent of what his Jewish counterpart earned, and about one third of his meagre income was deducted in taxes and contributions for so-called social security benefits, which he did not receive. Trade union offices were often raided and closed, and union members were arrested, placed under house arrest, expelled or deported. There were severe restrictions on trade union meetings.

61. In connection with the conclusions of the Special Committee, contained in its report (A/44/599), urgent measures should be taken to protect the freedoms and rights of the Palestinian people. In particular, he pointed to the threat posed by the substantial influx of Jews into Israel (estimated at several hundred thousands over the next five years) and the establishment of new Jewish settlements. If Israel was to cease that kind of policy and end its illegal occupation of Arab territories, certain major Powers must stop supporting it.

62. His organization supported the convening of an international peace conference on the Middle East, as called for by the General Assembly. It sincerely hoped that the current changes in the world would contribute to

peace and respect for human rights in the Middle East and that, at its present session, the Commission would take positive steps to ensure respect for human rights in the occupied Arab territories.

63. Mr. ISSE (Somalia) said that the Palestinian people's spontaneous uprising, the intifadah, clearly showed that it was no longer prepared to suffer under Israel's illegal occupation. Israel's reaction to the uprising had been marked by unprecedented brutality and had brought further ordeals for the civilian population of the occupied territories. Israel's military operations to crush the intifadah had caused large numbers of deaths and injuries among unarmed Palestinian men, women and children. Its iron-fist policy had taken various forms - the desecration of mosques, demolition of homes and an unrealistic tax system. The Special Committee's report should enhance the international community's awareness of the gravity of the situation.

64. His delegation considered that the international community's responsibility was more manifest than ever, and that urgent measures must be taken to prevent the situation from deteriorating further and to guarantee protection for the fundamental rights of civilians in the occupied territories. The crux of the problem was that the Palestinians must have a State of their own and live in their own country. Until they were able to exercise their right to self-determination, peace would be an illusion. In his delegation's opinion, the convening, under United Nations auspices, of an international conference on the Middle East question, with the participation of all the parties to the conflict, including the PLO, would permit progress towards a lasting solution. The Somali Government and people remained committed to the just cause of the Palestinian people.

65. Mr. ALDORI (Iraq) said that, in its report (A/44/599), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories confirmed what those who followed the Palestinian situation closely already knew. That situation was characterized by unparalleled violence, humiliation, frustration, and a policy of annexation and settlement which had brought greater ordeals to the occupied territories than ever before in their history. Since the beginning of the intifadah, as the Special Committee's report showed, there had been a renewed upsurge in both the frequency and intensity of the daily incidents, which were marked by unspeakable violence.

66. Faced with that state of affairs, his delegation wondered at the inability of the international community to take steps to protect civilians and prevent the occupation forces from continuing their abuses and excesses. The Palestinian people asked for nothing but its right to self-determination, its inalienable right to establish an independent State. The peoples of Lebanon and the Golan, too, wanted to expel the invader, free their territory and return to their motherland. But Israel continued its policy of expansionism and intimidation, and no one should believe that that policy would be short-lived. On the contrary, the policy showed the very philosophy and the racist and aggressive nature of zionism. The community of nations should not, therefore, confine itself to condemning and publicizing Israel's barbarous acts; it should go further and force that régime to yield to the will of the international community. The Arab people of Palestine, under the leadership of its sole legitimate representative, the PLO, deserved an effort on the part of the international community to remove the injustice it had

suffered for decades. The Palestinian people had defended its right and, in so doing, it had defended humanitarian values and the principles of international law and of the Charter.

67. World public opinion was concerned about the human rights violations in the occupied territories, as the Commission's work showed. But the Commission's interest should not be confined to its desire to provide material assistance to the refugees; it should adopt a broader approach, an objective view of a conflict marked by the occupation by one group of another's land and the expulsion of an entire people from its territory. He was referring to the right to self-determination, which formed the basis for all other rights; without it, the Palestinian people would not be able to enjoy human rights to the full, particularly since it had now fallen prey to the latest form of fanaticism among the Israeli leaders, namely, the encouragement of mass immigration and the influx of Soviet Jews into Palestine to establish new settlements.

68. The current international détente was consistent with the wishes of the peoples, who wanted to take advantage of it in order to settle regional conflicts in a peaceful manner. After the many peoples of Asia, Africa and South America, the latest to realize its right to independence was the people of Namibia, which had succeeded in freeing itself from foreign oppression after a long struggle and heavy sacrifice. Iraq, which had always supported the struggle of the Namibian people, wished it every success for the future. But it had not forgotten the sufferings of the people of South Africa, who were fighting to put an end to the régime of racial discrimination, that terrible evil which ran counter to every value and every principle; his delegation hoped that their struggle would soon lead to victory.

69. Mr. VELASQUEZ (Panama) said that he wished to refer to the remarks made by various delegations and organizations about the events in his country during the military action by the United States against the former régime of General Noriega. His delegation, led by Mr. Guillermo Endava Galimari and appointed by a Government which was broadly representative of the Panamanian people, wished to clarify Panama's position on those events.

70. It was regrettable that the United Nations had never given an official definition of the concept of "self-determination of peoples", which had allowed Governments not backed by the will of the people to hide behind the concept. In any case, the right of peoples to self-determination, as laid down in Article 1, paragraph 2, of the Charter, could not fail to include the right of the inhabitants of a country to decide freely on the organization of their political system. Self-determination thus existed at both the internal and the external level; that being so, the right to self-determination could not be invoked to protect a dictatorship, whatever its political ideology.

71. The Republic of Panama had endured the consequences of a military dictatorship which had lasted more than 21 years, during which fundamental human rights had been completely ignored. The régime had bred so much corruption and contempt for civic and moral values that under General Noriega's leadership, it had become the servant of international drug-trafficking. The war between the drug "cartels" and the Colombian Government would not have taken place if there had not been a Noriega in Panama; the proof was that, a few days after Noriega's arrest, the drug traffickers had surrendered because they had lost their refuge and their protector.

72. The deposed military régime had had such a contempt for human rights that it had become the scourge of its own people, as shown by the following examples. There had been no separation of powers, because the military régime had been in complete control of them. The guarantees laid down by law had not been respected; in 3 years, more than 2,000 writs of habeas corpus had been applied for but not one had led to a ruling by the Supreme Court of Justice in favour of a political prisoner. Thousands of opponents of the régime had been arrested and subjected to cruel, inhuman and degrading treatment; some had disappeared or been executed. Hundreds of Panamanians had been sent into exile. There had been no freedom of assembly or association or freedom of speech: there had only been information media completely under the control of the dictatorship. Political rights had been non-existent: the elections of 7 May 1989, which had represented a decisive victory for the opposition, had been declared null and void. The intervention of the OAS in an attempt to find a political solution had been ineffectual. The régime had set up the sinister "dignity battalions", armed gangs which had terrorized the population and had enjoyed a tacit guarantee of impunity. It was the "dignity battalions" which had attacked the winners of the elections of 7 May, in a campaign which had horrified world public opinion.

73. As a consequence, there had been a large-scale run on the banks, which had driven many industrial and business undertakings into bankruptcy. The situation had been made even worse by the economic sanctions imposed by the United States Government to encourage the formation of a democratic government in Panama, and had culminated in an unemployment rate of 25 per cent.

74. In view of the above, it was surely unreasonable that, in the situation of 1989, which had seen such great democratic changes in the world, international action to bring to Panama the political changes which the people wanted should be so severely condemned because it was allegedly contrary to the concept of self-determination. For Panama, the alternative had been either stoically to endure the reign of vice, corruption and poverty under Noriega, which would have continued indefinitely for generations, or to initiate an armed movement to bring the State terrorism to an end. The second solution would have led to an endless fratricidal war, as in Lebanon and El Salvador. The Panamanian people's despair had been transformed overnight, thanks to the United States military intervention, which, like the surgeon's scalpel, had extirpated the malignant tumour.

75. The United States military operation had brought a feeling of euphoria to the Panamanians; in an opinion poll, 92 per cent of the population had approved of it. The bishops of the Catholic Church, to which the great majority of Panamanians belonged, had spoken of a "war of liberation". The Ambassador of the Federal Republic of Germany in Panama had said that no international organization prohibited military intervention by one country in order to liberate another, and that Germany had been liberated by the United States, just as France had. When more than 90 per cent of Panamanians approved of the foreign military operation which had freed them from the terrorism of their own army, why should it be such a serious international problem for certain Governments, such as that of Cuba? There was an explanation.

76. Among his activities, Noriega had carried out one activity jointly with the Cuban Government: he had sold visas to Cubans who wanted to leave Cuba for the United States via Panama. The would-be emigrants had had to pay an

average of $10,000 each, and 8,000-10,000 Cubans had left Cuba for Panama under that arrangement. Some of them had been able to continue their journey north, but thousands had been held up in Panama. It was estimated that that traffic had earned its organizers some $80 million.

77. According to testimony by military personnel disenchanted by Noriega's régime who had managed to flee the country after the military rebellion of 16 March 1988, Panamanian air force planes had flown to Cuba to fetch weapons sent by Fidel Castro to Noriega to support the Panamanian dictatorship. In fact, more than 80,000 heavy weapons had been found, many of Soviet manufacture, although they had certainly not been supplied by the USSR. When Noriega had fallen, a large number of Cubans and Nicaraguans who had been in Panama working for Noriega against the interests of the Panamanian people had been arrested.

78. Any military operation was bound to cause civilian deaths, and the United States operation had led to the deaths of between 500 and 600 people, including civilians and servicemen, according to the report of the Panamanian Human Rights Committee and the International Committee of the Red Cross. Panama mourned those deaths, but it also knew that the price of its freedom had been low compared with the 70,000 victims of the civil war which was still going on in El Salvador.

79. The United States military intervention in Panama could have been avoided if there had been intergovernmental organizations with a mandate to defend the internal and external sovereignty of peoples and which were capable of doing so. When the Panamanian Defence Forces had collapsed, the country had been in an exceptional situation, lacking any organization capable of maintaining law and order. New forces of law and order could not be set up overnight, and so, the United States army had been obliged to take on the task, for otherwise chaos would have continued and there would, for example, have been more looting like that engaged in by the "dignity battalions", which had caused business losses of more than $600 million. That danger had receded, and the Panamanian authorities were taking over from the United States forces.

80. After those events - the most serious in its history, Panama did not want the current situation to continue for long, and neither did the United States. The United States troops would withdraw in the very near future, as soon as the new Panamanian authorities were in a position to play their part fully. In conclusion, his delegation assured the Commission that the new Government would guarantee full respect for human rights.

81. The CHAIRMAN gave the floor to delegations wishing to exercise their right of reply.

82. Mr. SHARMA (India) said that his delegation deeply regretted that the Pakistan delegation had used the forum of the Commission to speak about the situation in a region of India, taking the opportunity to give a deliberately distorted picture of recent events in the State of Jammu and Kashmir. That delegation's statement clearly showed the Pakistan Government's desire to interfere in India's internal affairs, which was hardly conducive to the promotion of friendly relations between the two countries. The Pakistan delegation's remarks amounted to a direct incitement to subversion, violence and terrorism and could only cause tension in the region. They also constituted a violation of the letter and spirit of the Simla agreement, to which the Pakistan delegation had referred.

83. The State of Jammu and Kashmir was an integral part of India, and there could be no compromise on that fact. The right to self-determination could not be applied to an integral part of an independent and sovereign State: that was a universally-recognized principle which had been accepted by the United Nations. India was extremely concerned that Pakistan was deliberately interfering in its internal affairs by raising the question of Jammu and Kashmir in international forums, when the only issue remaining to be resolved was the withdrawal of Pakistan from part of the territory of the Indian State of Jammu and Kashmir, which it was illegally occupying. The people of Jammu and Kashmir, like the people of the rest of India, had exercised their political rights on several occasions in free and fair elections, and Pakistan's remarks on self-determination in the context of Jammu and Kashmir were a travesty of the facts. His Government, for its part, was prepared to work towards the normalization of relations with Pakistan by bilateral and peaceful means.

84. Mrs. dos SANTOS PAIS (Portugal) said that she wished to respond to the remarks made by the observer for Indonesia who, at the previous meeting, had stated that General Assembly resolution 31/53, adopted in 1976, was now out of date. In that resolution, the General Assembly had rejected the claim that East Timor had been integrated into Indonesia, because the people of Timor had not exercised their right to self-determination and independence; it had, consequently, called upon the Indonesian Government to withdraw its forces from the territory. Moreover, the Special Committee on Decolonization had been asked to consider the question of East Timor with a view to achieving full application of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

85. Since then, the Special Committee had considered the issue and, in resolution 37/30 of 1982, the General Assembly had reaffirmed the right to self-determination of the people of Timor and recognized Portugal as the administering Power. The resolution had requested the Secretary-General to seek ways of achieving a comprehensive and peaceful solution to the problem and a dialogue had begun between Indonesia and Portugal under his auspices. In its resolution 1989/7, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had reaffirmed those principles. There could, therefore, be no question of General Assembly resolution 31/53 being out of date.

86. Secondly, the Indonesian delegation had affirmed that Indonesia, far from invading East Timor, was contributing to the process of decolonization there. If that was the case, Indonesia should have acted through the United Nations, and not by using violence. Acceptance of Indonesia's argument would be tantamount to rejecting United Nations resolutions and the rules of international law. Although she was pleased that Indonesia was willing to continue its dialogue with Portugal under the auspices of the Secretary-General, she wished to make it clear that the Portuguese Parliament had never accepted the principle of a visit "to Indonesia, including East Timor", but only that of a visit to the territory of East Timor. Her Government considered that dialogue was a way of promoting and defending human rights, both in East Timor and elsewhere.

The meeting rose at 6.10 p.m.